IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.623 OF 2006

In

NOTICE OF MOTION NO.1738 OF 2006

In

SUIT NO.1420 OF 2006

Mrs.Rabiya Dehlvi : Appellant/
Orig.Defendant

V/s.

Sachu Ramchand Jagasia : Respondent/
Orig.Plaintiff

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Mr.Amit Yadav with Mr.R.K.Thakur i/b.Mr.R.K.Thakur for the appellant.

Mr.Y.T.John i/b. Mr.A.K.Panicker for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : AUGUST 22, 2006.

P.C.

1. Without prejudice to the contentions that may be raised by the parties at the time of hearing of the Notice of Motion, we are satisfied that there is no justification for appointment of the Court Receiver in respect of the suit premises, viz., shop No.9, Nichaldas

Market, Sindhi Society, Chembur, Mumbai--400 071.

2. However, the defendant is restrained from disposing of, alienating or creating any third-party right, interest or transfer possession of the suit premises, in any manner, whatsoever, until the disposal of the Notice of Motion.

3. We request the learned Motion Judge to hear and dispose of the Notice of Motion expeditiously.

4. Appeal stands disposed of. No costs.

R.M. LODHA, J.

S.A. BOBDE, J.